

REMARKS

Applicants wish to thank the Examiner for the interview on October 26, 2005 and for the courtesy of a follow-up interview subsequent to the filing of this amendment response. Claims 1 – 31 remain pending in this application. Claims 1, 5-18, 26, 28, 33-36, 38-47, 55, and 57 have been amended, and Claim 37 has been canceled. Independent Claims 1, 28, and 57 have been amended to specify receiving a notice associated with goods receipt or service performance from the seller or shipping agent. The respective dependent claims have been amended as necessary to conform to the amendments made in independent Claims 1 and 28. Applicants respectfully submit that the present amendments do not add any new subject matter.

Claim Rejection Under 35 U.S.C. § 102(e)

In the Office Action, Claims 1-57 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,260,024 to Shkedy (“Shkedy”). For at least the foregoing reasons, Applicants respectfully traverse the rejections.

Shkedy discloses a method of pooling purchase orders from buyers and presenting these pooled purchase orders to potential sellers. *See Abstract.* The payment system of Shkedy may involve the use of an escrow account associated with the buyer wherein funds advanced by the buyer can be kept pending delivery of the goods by the selected seller. Col. 6, lines 58-63. In Shkedy, “[t]he buyer may transmit a digitally signed release message to central controller 200, authorizing the release of the escrowed funds to the seller.” Col. 20, lines 18-20.

In marked contrast, independent Claims 1, 28, and 57, as amended, each similarly recite receiving, via the network, a first notice associated with goods receipt or service performance from the seller or the shipping agent. In electronic escrow transactions, only the buyer who receives the goods or services—and not the seller or shipping agent—would be expected to provide notice of goods delivery or service performance. Likewise, Shkedy only discloses that the buyer, and not the seller or shipping agent, transmits a release message to the central controller. However, an advantage of having the seller or shipping agent transmit the notice associated with goods receipt or service performance is that it provides for automated event-driven escrow transactions. For example, the shipping agent may track the location of a package from pickup to delivery, and upon delivery of a package, a notification may automatically be

provided to the escrow processing agent. Based at least in part on receipt of the notification, the escrow processing agent can then automatically trigger the movement of funds, either to the seller or back to the purchaser. *See* Specification, pp. 53-54. Because Shkedy does not teach or suggest a seller or shipping agent providing notice of goods receipt or service performance for an electronic escrow transaction, amended independent Claims 1, 28, and 57 are allowable over Shkedy.

Dependent Claims 2-27, which ultimately depend from independent Claim 1, are allowable over Shkedy for at least the reasons discussed with respect to Claim 1, notwithstanding their independent recitation of patentable features. Similarly, dependent Claims 29-36 and 38-56, which ultimately depend from independent Claim 28, are allowable over Shkedy for at least the reasons discussed with respect to Claim 28, notwithstanding their independent recitation of patentable features.

CONCLUSION

The applicants believe they have responded to each matter raised by the Examiner. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

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Respectfully submitted,



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